

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No.	:	10/737,061	Confirmation No. 5240
Applicant	:	Herman Oskam	
Filed	:	December 15, 2003	
TC/A.U.	:	3634	
Examiner	:	Blair M. Johnson	
Docket No.	:	33752/US	
Customer No.	:	20686	
For	:	RAISING AND LOWERING MECHANISM FOR BLINDS	

REPLY BRIEF

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the EXAMINER'S ANSWER, applicant takes issue with the examiner's characterization of the Buck et al. reference as the examiner has drawn conclusions from the teachings in the present application in order to render the Buck et al. reference more relevant than it really is. First of all, as noted in Applicant's Appeal Brief, Buck et al. discloses in column 3, line 63 through column 4, line 21, that the yarn storage drum disclosed therein might have in its conical and cylindrical surfaces grooves or slots extending in the axial direction so the yarn being wound thereon rests only on the rib-like portions of the surface located between the grooves or slots. It is further stated that by being able to form the spool with these grooves or slots, which define corrugations extending axially of the spool, the circumferential surfaces of the spool do not have to be accurately predetermined so the spool becomes very simple to manufacture. There is no mention made of the corrugations, grooves, or slots having any bearing on the tensioning of the yarns being wrapped on the spool or their ability to slide axially along the length of the spool other than the fact that the yarns would rest only on the rib-like portions of the surface of the spool located between grooves or slots. In column 7, lines 1-10 of the Buck et al. patent, it further states, "The storage drum 5 may be embodied in one piece, and in the vicinity of the first circumferential surface 15 and/or the circumferential surface 27 as well as of the yarn support surface 25 and/or the second conical circumferential surface 23, it may be embodied with axially-extending grooves or slots, as is suggested by the dashed lines at 15a

and 27a, 25a, and 23a in Figs. 2, 3. It is thereby attained that the yarn rest only on rib-like areas of the surface, which may be suitable under some circumstances for the purpose of yarn feeding.” Accordingly, the reference only states that resting yarns on the rib-like areas of the surface may be suitable under some circumstances for the purpose of yarn feeding. It does not state that the ribs provide any function in controlling the tension in the yarns or their sliding movement along the axial length of the spool.

In the present invention, applicant has provided ribbing at particular locations in the spool and for specific purposes very clearly described in the Specification and applicant’s Appeal Brief. In summary, the ribs are provided to reduce the tension in the cords being wrapped on the spool while allowing the yarns to more easily slide longitudinally of the spool. As the examiner has recognized through the prosecution of the present application, the patent to Fraczek does not disclose the use of ribbing while the Buck et al. patent does disclose the use of ribbing at the locations summarized above. The examiner has mischaracterized the Buck et al. reference, however, in stating at several places in the Examiner’s Answer that the Buck et al. reference discloses the use of ribs “so as to grip the cord as well as to reduce friction for the sliding movement of the cord on the spool” (paragraph 9) or in (paragraph 10) “Buck et al. additionally promotes the use of ribs, or alternatively, corrugations or rods, to further promote the sliding single-layer winding on his spool. Buck et al. states that the cord rests only on these ribs. Clearly, these ribs provide advantages, most notably less friction for the sliding of the cords along the axially length of the spool due to reduced surface contact versus a solid surface spool.” The examiner further states in (paragraph 10) “Buck et al. considers the spool embodiment that has ribs to have some advantages for accomplishing the cord winding and sliding movement and such advantages would have attracted appellant.”

It should be noted Buck et al. never states or teaches that the ribs are provided to grip the cord as well as to reduce friction for the sliding movement of the cord on the spool as represented by the examiner. Rather, this teaching has come from applicant’s own specification so the examiner is utilizing applicant’s disclosure to represent teachings in the Buck et al. reference that are not there. Accordingly, it is only in hindsight the examiner has found a teaching for utilizing specific ribbing to control cord tension and axial sliding movement of the cord and that hindsight came from applicant’s specification and not from any prior art reference.

It should be further noted Buck et al. actually teaches away from using ribbing for the purposes discovered by applicant, and rather Buck et al. reduces tension in the yarns to allow sliding movement by reducing the diameter of the circumferential wrapping surfaces over which the yarn passes as it is moved from one end of the yarn spool to the other. In other words, as

the yarn wrappings go from a larger diameter to a smaller diameter along a conical surface as disclosed in Buck et al., the tension in the yarn is reduced or relaxed as noted by Buck et al. in column 6, lines 58-68. Buck et al. does not teach that ribbing provides this result, but rather the reduced diameter of the circumferential wrapping surfaces provide this result.

Accordingly, if one were trying to resolve the issues accomplished with the present invention, i.e. reduce yarn tension and encourage axial sliding movement of cord wrappings, even if he were aware of the Buck et al. reference, it would not suggest the use of ribbing to achieve this result. Rather, Buck et al. suggests these results might be obtained by reducing the diameter of the wrapping surfaces such as along conical surfaces or otherwise reducing the diameter of the wrapping surfaces. Accordingly, the Buck et al. reference would be of no value in suggesting applicant's remedies to the issues addressed by applicants even if one were aware of the Buck et al. reference, which is felt to be in a non-analogous art anyway.

In summary, while the Buck et al. reference discloses the use of ribs, it appears the ribs are provided for manufacturing purposes as described in column 3, line 63 through column 4, line 21, and not for the purpose of reducing tension in the cord or encouraging its migration axially of the spool. Buck et al. certainly makes no mention of such a purpose as suggested by the examiner. Buck et al. achieves these results in a totally different manner that would not suggest to one skilled in the art that the results could be obtained through the use of specifically placed and designed ribbing as in the present invention.

The test for obviousness is not whether the features of a reference may be bodily incorporated into the structure of another reference, but what the combined teachings of those references would have suggested to those of ordinary skill in the art. (*In re Keller*, 642 F.2d 413, 425, 208.) In the instant case, there is no teaching in the prior art for providing ribbing to reduce tension in a cord while encouraging axial sliding movement of cord wraps along a spool. Accordingly, there are no teachings in the prior art that would suggest the present invention to those of ordinary skill in the art.

Signed in Denver, Colorado, this 21st day of April 2007.

Respectfully submitted,



Gary M. Columbus
Attorney Registration No. 25,364
DORSEY & WHITNEY LLP
Customer No. 20686
PH 303-629-3400
FAX 303-629-3450